

### **REMARKS**

The foregoing amendment, which cancels claims 24-34 and claim 55, is intended to limit Applicants' claims to an apparatus and process involving charging particles at the point of delivery – *i.e.*, essentially an in situ process and apparatus for use in said process.

Claims 35-54 remain in this application and they have been finally rejected as obvious over the Hughes reference (U.S. Patent No. 5,800,605, WO 96/01285 and European published application No. 0769031) in view of any one of Law U.S. Patent No. 5,765,761, Sun U.S. Patent No. 5,753,302 and Mitsumura U.S. Patent No. 5,865,381. Applicants again request reconsideration of this rejection.

As in Applicants' previous arguments (Paper No. 16), the Hughes reference will be discussed in terms of U.S. Patent No. 5,800,605.

Hughes, the primary reference, is concerned with a process for preparing electrostatically charged particles. The charged particles can be used as "household cleaning particles" – column 2, line 45 – presumably a cleaning formulation for household use. With respect to these electrically-charged particles, the Examiner's attention is directed to the following statement at column 2, lines 54-58:

In particular the advantages are that the electrical charge is located within the volume of the particles and the particles are pre-charged at the manufacturing stage, rather than being charged immediately prior to use.

This is in direct contrast to what Applicants are now claiming, since Applicants have limited their claims to charging at the point of delivery. For example, in claim 35, we have a container in which particles to be electrostatically charged are stored, and a tube or pipe made of a material such that when the particles are passed down the delivery tube or pipe, a charge is imparted to said particles. In claim 41, the claimed method comprises providing a container for storing carrier particles and passing these particles through a tube or pipe such that, as a result of frictional contact between the carrier particles and the tube or pipe, a charge is imparted to said particles. In claims 46 and 50, the claimed methods comprise providing a container containing uncharged particles, in training these

uncharged particles in a stream of gas and directing the stream of gas through a tube or pipe capable of imparting a charge to said particles by means of frictional contact.

Applicants' in situ delivery system is an essential feature of the claims remaining in this application. Hughes is concerned only with a process for preparing electrostatically charged particles, a process which incorporates a unipolar charge into said particles at a temperature at or above the glass transition temperature or melting point thereof. Hughes is not at all concerned with delivery systems and, to the extent that Hughes discloses any practical use for the disclosed charged particles, there is the clear statement – quoted above – to the effect that the particles are not to be charged immediately prior to use. This is obviously in direct contrast to Applicants' claimed invention and therefore Hughes cannot possibly serve as any indication of obviousness for Applicants' claims 35-54.

It is recognized that the Examiner's rejection is based on Hughes in combination with one of three other references. The Hughes reference does not disclose any particular charge-to-mass ratios and the three secondary references were used by the Examiner for their presumed disclosures of particles having charge-to-mass ratios that meet Applicants' requirements.

In the response filed on 3 September 2002, Applicants argued that, at most, the art cited by the Examiner is relevant only to the step of electrically charging powder particles to the desired charge-to-mass ratio. In view of the cancellation of claims 24-34 and claim 55, Applicants' remaining claims are directed to a method of apparatus involving a particular delivery system, namely charging the particles at the point of delivery. As noted above, the Hughes reference, which specifically requires that particles be pre-charged at the manufacturing stage, has lost all relevance. In these circumstances, the charge-to-mass ratio, the intended "contribution" of the secondary references, is also of no relevance. Applicants' claims would not have been obvious over the Hughes

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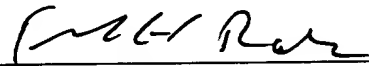
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reference alone. Likewise, Applicants' claims would not have been obvious over Hughes in combination with any of the secondary references.

In view of the foregoing amendment and these remarks, it is believed that all remaining claims in this application are in condition for allowance. Favorable action is requested.

Respectfully submitted,

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